

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
SCHOLASTIC, INC.,  
:

Plaintiff,  
:

-v-  
:

ST. PAUL FIRE & MARINE INSURANCE COMPANY, :  
:

Defendant.  
:  
-----X

23-CV-3485 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

For reasons the Court will explain orally at the pretrial conference referenced below, Defendant's motion for judgment on the pleadings is DENIED. In brief, and as the Court will explain more fully at the conference, Defendant's arguments mischaracterize the nature of the trademark infringement and breach of contract claims in the underlying action, effectively asking the Court to write additional exclusions into Defendant's policy. Although Defendant's arguments with respect to the underlying breach of contract claim are not without force (and indeed may ultimately result in a denial of coverage for costs incurred in connection with that claim), they turn on questions of fact that cannot be resolved at this stage.

The pretrial conference scheduled for July 10, 2024, is hereby RESCHEDULED for **July 2, 2024, at 3:00 p.m.** To access the conference, counsel should call 888-363-4749 and use access code 5421540#. Members of the press and public may call the same number, but will not be permitted to speak during the conference. The parties are reminded to follow the procedures for telephone conferences described in the Court's Individual Rules and Practices, which are available at <https://nysd.uscourts.gov/hon-jesse-m-furman>, including Rule 3(B)(i), which requires the parties, **no later than 24 hours before the conference**, to send a joint email to the Court with the names and honorifics (e.g., Mr., Ms., Dr., etc.) of counsel who may speak during the teleconference and the telephone numbers from which counsel expect to join the call.

The Clerk of Court is directed to terminate ECF No. 65.

SO ORDERED.

Dated: June 21, 2024  
New York, New York



JESSE M. FURMAN  
United States District Judge